

mation district under the provisions of Chapter 8, Title 128 aforesaid, or which may, after its creation pursuant to law now or hereafter in force, become such conservation and reclamation district, to levy all taxes of such district on a benefit basis; that is to say, on an equal and uniform basis or rate on each acre of land within said district, instead of an ad valorem basis, as now provided by law; to provide the method for the determination thereof; to repeal all laws in conflict herewith, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, March 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 463, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land in Dallam county forfeited and reappraised under Chapter 94, an act approved March 19, 1925, and as amended by Chapter 25, an act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, March 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 474, A bill to be entitled "An Act to validate and confirm the title to settlers' claims or pre-emption surveys to the pre-emptors or their assignees in all cases where proof of three years' occupancy from the date of filing of the application cannot be made, but use and occupancy for a period of twenty-five years prior to

the passage of this act can be shown, and to require the issuance of patents, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, March 16, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 847, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for repurchase of public school land situated in Brewster county and Loving county, Texas, subject to forfeiture and reappraisal on date of passage of Chapter 94, an act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed, etc., and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

THIRTIETH DAY.

(Continued.)

(Wednesday, March 18, 1931.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Minor.

HOUSE JOINT RESOLUTION NO. 25 ON SECOND READING.

The Speaker laid before the House, as pending business,

H. J. R. No. 25, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section to be numbered 3, so as to authorize any county having more than 150,000 population to adopt a home rule charter for the establishment and regulation of its government, which may provide that the commissioners court of such counties may serve as the governing body, or that some other body shall act in lieu thereof, and said charter may also provide that the county judge, justices of the peace, district and county attorneys and other officers in said counties may be compensated by salary instead of fees of office, etc.

The resolution having been read second time on yesterday with amendment by Mr. Farmer, pending.

Question recurring on the amendment by Mr. Farmer, it was adopted.

(Pending consideration of the resolution Mr. Keller and Mr. Gilbert occupied the chair temporarily.)

(Speaker in the chair.)

Mr. McDougald moved the previous question on the passage of the resolution and the main question was ordered.

House joint resolution No. 25 was then passed to engrossment by the following vote:

Yeas—78.

Adamson.	Kennedy.
Adkins.	Lee.
Beck.	Lemens.
Bedford.	Lilley.
Bond.	Lockhart.
Bounds.	McCombs.
Boyd.	McDougald.
Carpenter.	McGill.
Claunch.	McGregor.
Coltrin.	Martin.
Coombes.	Mathis.
Cox of Lamar.	Metcalf.
Cox of Limestone.	Moffett.
Cunningham.	Moore.
Davis.	Munson.
DeWolfe.	Nicholson.
Donnell.	O'Quinn.
Dowell.	Patterson.
Dunlap.	Petsch.
Duvall.	Pope.
Forbes.	Ratliff.
Ford.	Reader.
Fuchs.	Sanders.
Gilbert.	Savage.
Giles.	Shelton.
Hatchitt.	Smith of Bastrop.
Harrison	Smith of Wood.
of El Paso.	Sparkman.
Hill.	Stephens.
Holder.	Stevenson.
Holland.	Sullivant.
Hubbard.	Terrell
Hughes.	of Val Verde.
Jackson.	Towery.
Johnson	Van Zandt.
of Dallam.	Wagstaff.
Johnson	Walker.
of Dimmit.	Warwick.
Jones of Shelby.	Weinert.
Justiss.	West of Coryell.
Keller.	Young.

Nays—47.

Adams of Harris.	Baker.
Adams of Jasper.	Barron.
Akin.	Brice.
Alsup.	Brooks.

Bryant.	Holloway.
Burns	Howsley.
of McCulloch.	Johnson of Morris.
Burns of Walker.	Laird.
Dale.	Lasseter.
Daniel.	Magee.
Dodd.	Olsen.
Elliott.	Ramsey.
Farmer.	Ray.
Ferguson.	Richardson.
Fisher.	Rogers.
Goodman.	Sherrill.
Graves.	Strong.
Greathouse.	Tarwater.
Grogan.	Terrell
Hanson.	of Cherokee.
Hardy.	Turner.
Harman.	Vaughan.
Hefley.	Veatch.
Herzik.	Wiggs.
Hines.	

Present—Not Voting.

Albritton.	Jones of Atascosa.
Farrar.	Leonard.
Harrison	
of Waller.	

Absent.

Anderson.	Mehl.
Bradley.	Murphy.
Caven.	Rountree.
Dwyer.	Satterwhite.
Finn.	Steward.
Hoskins.	West of Cameron.
Kayton.	Westbrook.
Long.	Wyatt.

Absent—Excused.

Engelhard.	Scott.
Morse.	

LEAVES OF ABSENCE GRANTED.

The members of the House Committee on Appropriations were on yesterday granted temporary leaves of absence to consider certain appropriation matters.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 18, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has read and adopted conference committee report on House bill No. 703 by the following vote: 29 yeas, 0 nays.

Respectfully,

JNO. B. DuPRIEST,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 18, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
has passed the following:

S. B. No. 98, A bill to be entitled
"An Act exempting from taxation
property owned by a church or strict-
ly religious society for the exclusive
use as a dwelling place for the min-
istry of such church or religious so-
ciety, which yields no revenue what-
ever to such church or society, and
declaring an emergency."

S. B. No. 222, A bill to be entitled
"An Act fixing the number and term
of office of school trustees of inde-
pendent districts having a population
of more than 200,000 by the Federal
census of 1930; adjusting the terms
of trustees to conform to the pro-
visions of this act; providing for fill-
ing of all vacancies in office; repealing
all laws in conflict herewith, and de-
claring an emergency."

S. B. No. 261, A bill to be entitled
"An Act to amend Article 768 of the
Code of Criminal Procedure of the
State of Texas of 1925, vesting in
trial judges discretionary authority to
credit defendants in criminal cases
with time spent in jails awaiting
trial, and declaring an emergency."

Read and adopted Senate concu-
rent resolution No. 25, Inviting ex-
Governor Byrd to address the Legis-
lature during its present session as
may suit his convenience.

Respectfully,
JNO. B. DuPRIEST,
Assistant Secretary of the Senate.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the pres-
ence of the House, after giving due
notice thereof and its caption had
been read, the following enrolled bill:

H. B. No. 703, "An Act authorizing
school trustees to issue interest-bear-
ing warrants in payment of salaries
of employes for the year 1930-1931;
specifying the rate of interest at eight
per cent; limiting the amount of war-
rants to be issued; giving such war-
rants preference over warrants is-
sued for purposes other than payment
of salaries, and declaring an emer-
gency."

SPECIAL ORDER SET.

On motion of Mr. Sanders, House
bill No. 547 was set as a special order
for 10 o'clock a. m. next Tuesday.

HOUSE BILLS ON FIRST
READING.

The following House bills, intro-
duced today (by unanimous consent),
were laid before the House, read sev-
erally first time, and referred to the
appropriate committees, as follows:

By Mr. DeWolfe:

H. B. No. 979, A bill to be entitled
"An Act to create a more efficient
road system for Mills county, Texas,
and making the commissioners of
Mills county ex-officio road commis-
sioner in their respective precincts,
and providing for the appointment of
deputies; defining the powers and du-
ties of the commissioners court with
reference to roads and bridges; pro-
viding for the appointment of road
overseers, and defining their duties,
and providing for and fixing their
compensation for certain labor; pro-
viding penalties for the violation of
this act, etc., and declaring an emer-
gency."

Referred to Committee on High-
ways and Motor Traffic.

By Mr. Grogan:

H. B. No. 980, A bill to be entitled
"An Act creating Liberty County
Conservation and Reclamation District
No. 3 under authority of Section 59,
Article 16, of the Constitution, grant-
ing to said district the powers con-
ferred by General Laws, providing
that no election and no action by the
commissioners court shall be neces-
sary to authorize the creation of this
district, providing for appointment of
commissioners for said district, pro-
viding that all general laws concern-
ing drainage and conservation and
reclamation districts are applicable
to said district, and declaring an
emergency."

Referred to Committee on Conser-
vation and Reclamation.

BILLS ORDERED NOT PRINTED.

(By Unanimous Consent.)

On motion of Mr. Holland, House
bill No. 894 was ordered not printed.

On motion of Mr. Leonard, House
bill No. 946 was ordered not printed.

On motion of Mr. Shelton, House
bill No. 866 was ordered not printed.

BILL RE-REFERRED.

On motion of Mr. Patterson, by
unanimous consent, House bill No.
912 was withdrawn from the Com-

mittee on Appropriations and referred to the Committee on Public Lands and Buildings.

RELATIVE TO HOUSE BILL NO. 331.

Mr. Johnson of Dimmit asked unanimous consent of the House to have the name of Mr. Smith of Wood added to House bill No. 331 as one of the signers thereof.

There was no objection offered and it was ordered.

RECESS.

On motion of Mr. Patterson, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE JOINT RESOLUTION NO. 23 ON SECOND READING.

The Speaker laid before the House, on its second reading

H. J. R. No. 23, Proposing an amendment to the Constitution of Texas, by amending Section 2 of Article 4, to provide that the Governor, Lieutenant Governor and Attorney General shall be elected by the qualified voters of the State at the same time and places of election for members of the Legislature; providing an election, and making an appropriation to pay expenses.

The resolution was read second time.

Mr. Van Zandt offered the following amendment to the resolution:

Amend House joint resolution No. 23 by striking out the figures "1930" in line 24, page 1, and inserting in lieu thereof "1932."

The amendment was adopted.

Mr. Coombes offered the following amendment to the resolution:

Amend House joint resolution No. 23 by striking out the words "and Attorney General" wherever they appear in caption and body, and by substituting the word "and" for the comma between the words "Governor" and "Lieutenant Governor," wherever they appear in caption and body.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13.

Adamson.	Hines.
Bond.	Holland.
Carpenter.	Jones of Shelby.
Coltrin.	Lee.
Coombes.	Richardson.
Giles.	Sparkman.
Hill.	

Nays—107.

Adams of Jasper.	Johnson
Adkins.	of Dallam.
Akin.	Johnson
Albritton.	of Dimmit.
Alsop.	Johnson of Morris.
Baker.	Jones of Atascosa.
Barron.	Keller.
Beck.	Kennedy.
Bedford.	Laird.
Bounds.	Lemens.
Boyd.	Leonard.
Bradley.	Lilley.
Brice.	Lockhart.
Bryant.	McCombs.
Burns	McDougald.
of McCulloch.	McGill.
Caven.	McGregor.
Claunch.	Martin.
Cunningham.	Metcalf.
Dale.	Moffett.
Daniel.	Moore.
Davis.	Munson.
DeWolfe.	Murphy.
Dodd.	Olsen.
Donnell.	O'Quinn.
Dowell.	Petsch.
Dwyer.	Pope.
Elliott.	Ratliff.
Farmer.	Ray.
Ferguson.	Reader.
Fisher.	Rogers.
Forbes.	Sanders.
Ford.	Savage.
Fuchs.	Shelton.
Gilbert.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Stephens.
Grogan.	Stevenson.
Hanson.	Steward.
Hardy.	Strong.
Harman.	Sullivant.
Harrison	Tarwater.
of El Paso.	Terrell
Harrison	of Cherokee.
of Waller.	Terrell
Hatchitt.	of Val Verde.
Hefley.	Towery.
Herzik.	Turner.
Holder.	Van Zandt.
Holloway.	Vaughan.
Howsley.	Veatch.
Hughes.	Wagstaff.
Jackson.	Walker.

Warwick.	West of Cameron.
Weinert.	Wyatt.
West of Coryell.	Young.

Absent.

Adams of Harris.	Kayton.
Anderson.	Lasseter.
Brooks.	Long.
Burns of Walker.	Magee.
Cox of Lamar.	Mathis.
Cox of Limestone.	Mehl.
Dunlap.	Nicholson.
Duvall.	Patterson.
Farrar.	Ramsey.
Finn.	Rountree.
Hoskins.	Satterwhite.
Hubbard.	Westbrook.
Justiss.	Wiggs.

Absent—Excused.

Engelhard.	Scott.
Morse.	

Mr. Dodd offered the following amendment to the resolution:

Amend House joint resolution No. 23 by adding after the word "Attorney General" in line 17, page 1, the following: "Land Commissioner, Highway Commissioners and Treasurer."

Mr. Kennedy moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—54.

Akin.	Greathouse.
Albritton.	Hanson.
Anderson.	Hardy.
Baker.	Harman.
Bond.	Hefley.
Bounds.	Hines.
Brooks.	Holder.
Bryant.	Jones of Shelby.
Burns of Walker.	Kayton.
Cox of Limestone.	Kennedy.
Cunningham.	Laird.
Dale.	Lockhart.
Davis.	McGill.
Dodd.	McGregor.
Donnell.	Moore.
Duvall.	Olsen.
Elliott.	O'Quinn.
Farmer.	Patterson.
Farrar.	Pope.
Ferguson.	Ray.
Fuchs.	Richardson.
Giles.	Smith of Wood.
Goodman.	Strong.
Graves.	

Terrell	Veatch.
of Cherokee.	Walker.
Terrell	West of Coryell.
of Val Verde.	Wyatt.
Towery.	

Nays—69.

Adams of Harris.	Johnson
Adams of Jasper.	of Dimmit.
Adamson.	Johnson of Morris.
Adkins.	Keller.
Alsup.	Lee.
Beck.	Lemens.
Bedford.	Leonard.
Boyd.	Lilley.
Burns	McCombs.
of McCulloch.	McDougald.
Carpenter.	Magee.
Caven.	Martin.
Claunch.	Metcalfe.
Coombes.	Munson.
Daniel.	Murphy.
DeWolfe.	Nicholson.
Dowell.	Petsch.
Dwyer.	Ramsey.
Fisher.	Ratliff.
Forbes.	Reader.
Ford.	Rountree.
Grogan.	Sanders.
Harrison	Satterwhite.
of El Paso.	Savage.
Harrison	Shelton.
of Waller.	Sherrill.
Hatchitt.	Smith of Bastrop.
Herzik.	Sparkman.
Hill.	Stephens.
Holland.	Stevenson.
Holloway.	Sullivant.
Howsley.	Tarwater.
Hubbard.	Turner.
Hughes.	Van Zandt.
Jackson.	Vaughan.
Johnson	Wagstaff.
of Dallam.	Warwick.

Absent.

Barron.	Long.
Bradley.	Mathis.
Brice.	Mehl.
Coltrin.	Moffett.
Cox of Lamar.	Rogers.
Dunlap.	Steward.
Finn.	Weinert.
Gilbert.	West of Cameron.
Hoskins.	Westbrook.
Jones of Atascosa.	Wiggs.
Justiss.	Young.
Lasseter.	

Absent—Excused.

Engelhard.	Scott.
Morse.	

House joint resolution No. 23 then failed to pass to engrossment by the following vote:

Yeas—31.

Adkins.	Lee.
Beck.	Leonard.
Bond.	McCombs.
Brice.	Metcalf.
Carpenter.	Munson.
Caven.	Nicholson.
Coombes.	Petsch.
Daniel.	Sanders.
Ford.	Savage.
Hatchitt.	Shelton.
Hill.	Stevenson.
Hubbard.	Steward.
Hughes.	Van Zandt.
Johnson	Wagstaff.
of Dallam.	Warwick.
Johnson	Young.
of Dimmit.	

Nays—97.

Adams of Harris.	Hefley.
Adams of Jasper.	Herzik.
Adamson.	Hines.
Akin.	Holder.
Albritton.	Holland.
Alsup.	Holloway.
Anderson.	Howsley.
Baker.	Jackson.
Bedford.	Johnson of Morris.
Bounds.	Jones of Shelby.
Boyd.	Kayton.
Brooks.	Kennedy.
Bryant.	Laird.
Burns	Lemens.
of McCulloch.	Lilley.
Burns of Walker.	Lockhart.
Claunch.	Long.
Coltrin.	McDougald.
Cox of Limestone.	McGill.
Cunningham.	McGregor.
Dale.	Magee.
Davis.	Martin.
DeWolfe.	Moffett.
Dodd.	Moore.
Donnell.	Olsen.
Dowell.	O'Quinn.
Duvall.	Patterson.
Dwyer.	Pope.
Elliott.	Ramsey.
Farmer.	Ratliff.
Farrar.	Ray.
Ferguson.	Reader.
Fisher.	Richardson.
Forbes.	Rogers.
Fuchs.	Rountree.
Gilbert.	Satterwhite.
Giles.	Sherrill.
Goodman.	Smith of Bastrop.
Graves.	Smith of Wood.
Greathouse.	Sparkman.
Grogan.	Stephens.
Hanson.	Strong.
Hardy.	Sullivan.
Harman.	Tarwater.
Harrison	Terrell
of El Paso.	of Cherokee.

Terrell	Veatch.
of Val Verde.	Walker.
Towery.	West of Coryell.
Turner.	Wyatt.
Vaughan.	

Absent.

Barron.	Keller.
Bradley.	Lasseter.
Cox of Lamar.	Mathis.
Dunlap.	Mehl.
Finn.	Murphy.
Harrison	Weinert.
of Waller.	West of Cameron.
Hoskins.	Westbrook.
Jones of Atascosa.	Wiggs.
Justiss.	

Absent—Excused.

Engelhard.	Scott.
Morse.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 18, 1931.

Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on House bill No. 398 by the following vote: Yeas 28, nays 0.

Also unanimous consent was given to correct report relative to Comptroller's Department by adding after the word "taxes" the following: "and special audits."

Respectfully,
BOB BARKER,
Secretary of the Senate.

RELATIVE TO HOUSE BILL NO. 398.

Mr. Sanders asked unanimous consent of the House to have certain correction made in the conference committee report on House bill No. 398.

There was no objection and it was so ordered.

HOUSE BILL NO. 741 ON SECOND READING.

On motion of Mr. Petsch, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 741, A bill to be entitled "An Act amending Article 7122, Revised Civil Statutes, 1925, as amended by the Acts of the Fortieth Legislature, Regular Session, Chapter 62, Section 2, page 87, relating to inheritance taxes, by providing

that property passing to or for the use of persons not related to a decedent shall be subject to the payment of inheritance taxes, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time and was passed to engrossment.

HOUSE BILL NO. 741 ON THIRD READING.

Mr. Petsch moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 741 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112.

Adams of Harris.	Grogan.
Adams of Jasper.	Hanson.
Adamson.	Hardy.
Adkins.	Harman.
Akin.	Harrison
Alsup.	of El Paso.
Anderson.	Hatchitt.
Baker.	Hefley.
Barron.	Hill.
Bedford.	Hines.
Bond.	Holder.
Bounds.	Holland.
Boyd.	Holloway.
Bradley.	Howsley.
Brice.	Hughes.
Brooks.	Johnson
Bryant.	of Dallam.
Burns	Johnson
of McCulloch.	of Dimmit.
Burns of Walker.	Johnson of Morris.
Caven.	Kayton.
Claunch.	Keller.
Coltrin.	Kennedy.
Coombes.	Laird.
Cox of Limestone.	Lee.
Cunningham.	Lemens.
Daniel.	Leonard.
Davis.	Lilley.
DeWolfe.	Lockhart.
Dodd.	McCombs.
Donnell.	McGill.
Dowell.	Magee.
Duvall.	Martin.
Dwyer.	Metcalf.
Elliott.	Moore.
Farmer.	Munson.
Farrar.	Nicholson.
Ferguson.	O'Quinn.
Fisher.	Patterson.
Forbes.	Petsch.
Ford.	Pope.
Fuchs.	Ratliff.
Goodman.	Ray.
Graves.	Reader.
Greathouse.	Richardson.

Rogers.	Terrell
Sanders.	of Cherokee.
Satterwhite.	Terrell
Savage.	of Val Verde.
Shelton.	Towery.
Sherrill.	Turner.
Smith of Bastrop.	Van Zandt.
Smith of Wood.	Vaughan.
Sparkman.	Veatch.
Stephens.	Walker.
Steward.	Warwick.
Strong.	Weinert.
Sullivant.	West of Coryell.
Tarwater.	Wyatt.

Absent.

Albritton.	Lasseter.
Beck.	Long.
Carpenter.	McDougald.
Cox of Lamar.	McGregor.
Dale.	Mathis.
Dunlap.	Mehl.
Finn.	Moffett.
Gilbert.	Murphy.
Giles.	Olsen.
Harrison	Ramsey.
of Waller.	Rountree.
Herzik.	Stevenson.
Hoskins.	Wagstaff.
Hubbard.	West of Cameron.
Jackson.	Westbrook.
Jones of Atascosa.	Wiggs.
Jones of Shelby.	Young.
Justiss.	

Absent—Excused.

Engelhard.	Scott.
Morse.	

The Speaker then laid House bill No. 741 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

Adams of Harris.	Burns of Walker.
Adams of Jasper.	Caven.
Adamson.	Claunch.
Adkins.	Coltrin.
Akin.	Coombes.
Alsup.	Cox of Limestone.
Baker.	Cunningham.
Barron.	Daniel.
Bedford.	Davis.
Bond.	DeWolfe.
Bounds.	Dodd.
Boyd.	Donnell.
Bradley.	Dowell.
Brice.	Duvall.
Brooks.	Dwyer.
Bryant.	Elliott.
Burns	Farmer.
of McCulloch.	Farrar.

Ferguson.	Moore.
Fisher.	Munson.
Forbes.	Nicholson.
Ford.	Olsen.
Fuchs.	O'Quinn.
Goodman.	Patterson.
Graves.	Petsch.
Greathouse.	Pope.
Grogan.	Ratliff.
Hanson.	Ray.
Hardy.	Reader.
Harman.	Richardson.
Harrison	Rogers.
of El Paso.	Sanders.
Hatchitt.	Satterwhite.
Hill.	Savage.
Hines.	Shelton.
Holder.	Sherrill.
Holland.	Smith of Bastrop.
Holloway.	Smith of Wood.
Howsley.	Sparkman.
Hughes.	Stephens.
Johnson	Steward.
of Dallam.	Strong.
Johnson of Morris.	Sullivant.
Kayton.	Tarwater.
Kennedy.	Terrell
Laird.	of Cherokee.
Lee.	Terrell
Lemens.	of Val Verde.
Leonard.	Towery.
Lockhart.	Van Zandt.
McCombs.	Vaughan.
McGill.	Veatch.
Magee.	Walker.
Martin.	Warwick.
Metcalfe.	West of Coryell.
Moffett.	Wyatt.

Absent.

Albritton.	Justiss.
Anderson.	Keller.
Beck.	Lasseter.
Carpenter.	Lilley.
Cox of Lamar.	Long.
Dale.	McDougald.
Dunlap.	McGregor.
Finn.	Mathis.
Gilbert.	Mehl.
Giles.	Murphy.
Harrison	Ramsey.
of Waller.	Rountree.
Hefley.	Stevenson.
Herzik.	Turner.
Hoskins.	Wagstaff.
Hubbard.	Weinert.
Jackson.	West of Cameron.
Johnson	Westbrook.
of Dimmit.	Wiggs.
Jones of Atascosa.	Young.
Jones of Shelby.	

Absent—Excused.

Engelhard.	Scott.
Morse.	

BILL SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

House bill No. 398, "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government named herein, for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

OPINION IN REGARD TO CERTAIN BILL.

On motion of Mr. Beck, the following opinion relative to certain bills as rendered by the Supreme Court, was ordered printed in the Journal:

No. 1455-5690

COMMISSION OF APPEALS

Section A.

City of Fort Worth, Texas, Relator,
vs. Robert Lee Bobbitt, Attorney
General, Respondent.

Original Mandamus.

This is an original mandamus proceeding filed by the City of Fort Worth, Texas, a city duly and legally incorporated under and by virtue of the laws of the State of Texas, and operating as a home rule city, with a population of more than 15,000 inhabitants, and by certain officers of said city against the Attorney General of this State to compel the approval of certain "special improvement bonds or certificates" issued by the City of Fort Worth under the provisions of Chapter 43, page 82, General Laws, Fourth Called Session, Forty-first Legislature, 1930.

The Attorney General has declined to approve such bonds and contends that the act attempting to authorize the issuance of same is unconstitutional and void for several reasons. We deem it only necessary to discuss one of such reasons.

The Attorney General contends that the act in question is in contravention of Section 56 of Article 3 of our State Constitution in that same seeks to regulate the affairs of a city and seeks to change the charter of an incorporated city by a local law.

The caption of the act in question reads as follows:

"An Act providing that certain cities having the population requirements set forth herein may acquire and own special assessment certificates issued in connection with street improvements, that such cities may pledge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this act; providing for use of funds from the sale of such bonds; providing that such bonds shall not be reckoned in determining charter, constitutional or statutory bond limitations and shall not constitute indebtedness of the city contemplated under certain provisions of the Constitution; prescribing statutory duties imposed on such cities when such bonds are issued; providing for the examination and approval of such bonds by the Attorney General, and for their registration by the Comptroller, and declaring an emergency."

Section 1 of the act in question reads as follows:

"Section 1. Cities in the State of Texas having not less than 106,000 inhabitants and not more than 110,000 inhabitants, according to the United States Census of 1920, may proceed in accordance with the provisions thereof, independently of and without reference to any other applicable law or charter provision, present or future, which, however, shall remain in force as alternative (alternative) methods. The terms 'city,' 'such city,' 'said city,' and the plurals thereof, shall mean a city or cities included under the provisions of this act."

Section 56, Article 3, of our State Constitution, so far as applicable to this case reads as follows:

"Section 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

* * * * *

"Regulating the affairs of counties, cities, towns, wards, or school districts.

* * * * *

"Incorporating cities, towns or villages or changing their charters."

It will be noted that Section 1 of the act confines its application absolutely to cities which according to the United States Census of 1920, contain not less than 106,000 and not more than 110,000 inhabitants. An examination of the census referred to

discloses that the City of Fort Worth, Texas, is absolutely the only city in the State of Texas that has a population coming within the provisions of this act. Furthermore the act is so constructed that it is absolutely impossible for any other city in the State to ever be included within the terms or under the provisions of the act. It is therefore our opinion that this act is confined in its application to the City of Fort Worth only, just as clearly, and just as effectively, as if the stipulation with reference to population had been omitted and the name "Fort Worth" written therein in its stead. The Constitution in plain and simple terms prohibits the enactment of any local or special law regulating the affairs of cities, or changing their charters. It cannot be denied that this law does have reference to regulating the affairs of cities. If it is a local or special law it is therefore unconstitutional and void.

We presume that no one would contend, if the name "Fort Worth" had been inserted in the law in place of the stipulation with reference to population that the act would be constitutional. If we should hold this law to be constitutional when it describes and confines its application absolutely to one city we would in effect be holding the constitutional provision under discussion an idle and a vain thing, and can be evaded by a subterfuge. We therefore hold that the act in question is unconstitutional and void. *Lewis' Sutherland Stat. Construction* (2nd Ed.), p. 397 et seq. and notes. *Parker-Washington Co. v. Kansas City*, 85 Pac. 781 (Sun. Ct. Kan.); *Hibbard v. State*, 64 N. E. 109 (Sup. Ct. Ohio); *Gray v. Taylor*, 227 U. S. 51, 57 L. Ed. 413; 36 C. J. 96.

We quote the following from *Sutherland, supra*:

"A classification based upon existing or past conditions or facts, and which would exclude the persons, places, things or objects thereafter coming into the same situation or condition, is special and void. Thus a classification of cities or counties based upon existing population or upon the population shown by specified census is of this character."

"The number of persons affected by a law does not control or determine the question of its validity; it is enough that the law relates to a subject of a general nature, and is general and uniform in its operation

upon every person who is brought within the relation and circumstances provided for by it. A class of cities or counties, based upon population, may be valid, though it embraces but one city or county, if others may come into the class on attaining the specified population."

"An act which designates a particular city or county by name, or by a description so qualified that a particular city or county is plainly intended, and that no other can reasonably be expected to have the distinguishing characteristics, and whose operation is limited to such city or county, is held to be local or special."

"An act applicable to counties having a population of from 35,190 to 35,200 was held evasive and special." Citing *Hixon v. Burson*, 54 Ohio St. 470, 43 N. E. 1000; *Owen County Com's. v. Shangler*, 159 Ind. 575, 65 N. E. 743.

In *Parker-Washington Co. v. Kansas City*, supra, the Supreme Court of Kansas in construing the provisions of the Constitution of that State and in defining a "special act" and "laws of a general nature," said:

"Section 1 of Article 12 of the Constitution provides that 'the Legislature shall pass no special act conferring corporate powers,' and Section 17 of Article 2, that 'all laws of a general nature shall have a uniform operation throughout the State.' Whether the act in question is to be regarded as special, and whether its operation is uniform throughout the State depend upon whether population affords a fair basis for the classification of cities with reference to the matters to which it relates, and whether the result it accomplished is in fact a real classification upon that basis, and not a designation of a single city to which alone it shall apply, under the guise of such classification."

In *Hibbard v. State*, supra, a law of Ohio which provided for pensioning teachers in the public schools of a certain city in that State was attacked on the ground that it violated a provision of the Constitution of Ohio providing that all laws of a general nature should have a uniform application throughout the State. The law in question was so drawn that it was general in form, but only applied at the time it went into effect to the City of Toledo, and could never after a certain date ap-

ply to any other city. The court condemned the law in the following language:

"It is argued that this might apply to any city that came into the class at any time thereafter; that the language of the act might be so construed as to include such cities; and that the boards in such cities and the teachers might take action after they came into the class designated. But we do not so construe this act. It is contrary to the plain language of the act itself, which provides that such action shall be taken within a certain time after the act goes into effect. The language of the act itself and its title seem to indicate that it was intended by the Legislature that it should apply only to the City of Toledo. This act not only did not apply to any city in the State but Toledo at the time of its passage and taking effect, but it could never apply in the future to any other city. The subject-matter of the act is one of a general nature, and in which all the people of the State are interested. It comes within both the language and the spirit of this provision of the Constitution."

In *Gray v. Taylor*, supra, the Supreme Court of the United States defined a local law as: "The phrase 'local law' means primarily, a law that in effect, if not in form, is directed only to a specific spot."

36 C. J. 690, supra, gives practically the same definition.

Of course we do not mean to hold that an act general in its nature and terms would be in contravention of the above constitutional provisions merely because at the time of its passage it only affects one city; in fact we hold to the contrary. We think, however, that an act which is so drawn that by its plain and explicit provisions it is made to apply to one city only in the State, and can never in any contingency apply to any other city is just as repugnant to the constitutional provisions under discussion as though the name of the city to which the act does apply has been written into the act in the first instance. In other words, we think that a city can be designated by description just as effectively as it can be named.

To state our views in another form, we hold that a law that has uniform application throughout the State to cities of a certain class, as to population, or other legitimate classification, is not repugnant to the constitutional

provision under discussion even though there is only one city in the State of that class, but when a law is so drawn that it applies only to one city, and can never apply to any but this one city in any possible event, the law is unconstitutional and void, because such a law is not based on classification but on isolation. Cooley's Constitutional Limitations, 8th Ed. Notes, Vol. 1, pp. 262-3.

Since the act is unconstitutional for the reasons stated, there is no lawful authority for the issuance of the bonds which the City of Fort Worth here seeks to have the Attorney General approve. The mandamus should therefore be refused, and we so recommend.

(Signed) RICHARD CRITZ,
Judge.

The opinion of the Commission of Appeals is adopted, and mandamus refused.

(Signed) C. M. CURETON,
Chief Justice.

March 18, 1931.

HOUSE JOINT RESOLUTION NO. 31 ON SECOND READING.

The Speaker laid before the House on its second reading,

H. J. R. No. 31, Proposing an amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, providing that under no apportionment shall any county be entitled to more than five representatives unless the population of such county shall exceed five hundred thousand people; providing for the apportionment in counties of more than five hundred thousand people; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

The resolution was read second time.

Question—Shall the resolution be passed?

REPORT OF THE COMMITTEE ON RULES.

The Speaker laid before the House for consideration at this time the report of the Committee on Rules recommending the adoption of the following resolution:

Amend the Rules of the House so that Section 8, of Rule 9, shall hereafter read as follows:

Bills, resolutions and other papers referred to committees shall be taken

up and acted upon by the committee in the order in which they are referred. All committees shall report on all bills, resolutions, and other papers.

During the first sixty-six days of a regular session when any bill, resolution or other paper shall have been in committee for six days, it shall be in order for a member to move that the committee be required to report the same, which motion shall require a two-thirds vote for its passage.

After the first sixty-six days of a regular session when any bill, resolution or other paper has been in committee for six days, it shall be in order for a member to move that the committee be required to report the same, which motion shall require a majority vote for its passage, unless directed by the House to immediately report.

When the House refuses by vote to grant further time to a committee, the Speaker shall instruct that the House desires an immediate report upon the bill or measure pending, and it shall be the duty of the committee to immediately consider and report the bill back to the House; provided, that no adverse report shall be made on any bill or resolution by any committee without first giving the author of such bill an opportunity to be heard. If it becomes evident to the House that a bill has been reported adversely without the author having had an opportunity to be heard as provided in this rule, the House may, by majority vote, order the bill recommitted even though no minority report was filed in the time prescribed elsewhere in these rules. This rule shall have precedence over that section of Rule XIX which provides that when a bill has been reported adversely it is not in order to recommit it except by a two-thirds vote.

The report was adopted by the following vote:

Yeas—115.

Adams of Harris.	Bradley.
Adams of Jasper.	Brice.
Adamson.	Brooks.
Adkins.	Bryant.
Akin.	Burns of Walker.
Albritton.	Burns
Alsup.	of McCulloch.
Anderson.	Carpenter.
Baker.	Claunch.
Barron.	Coombes.
Beck.	Cunningham.
Bounds.	Dale.
Boyd.	Daniel.

Dodd.	Leonard.
Donnell.	Lilley.
Dowell.	Lockhart.
Dunlap.	McCombs.
Dwyer.	McGill.
Elliott.	McGregor.
Farmer.	Magee.
Farrar.	Martin.
Ferguson.	Moffett.
Fisher.	Moore.
Forbes.	Munson.
Ford.	Olsen.
Fuchs.	O'Quinn.
Gilbert.	Patterson.
Giles.	Petsch.
Goodman.	Pope.
Graves.	Ratliff.
Greathouse.	Ray.
Grogan.	Reader.
Hanson.	Richardson.
Hardy.	Rogers.
Harrison	Rountree.
of El Paso.	Sanders.
Harrison	Satterwhite.
of Waller.	Savage.
Hatchitt.	Smith of Bastrop.
Hefley.	Smith of Wood.
Hill.	Sparkman.
Hines.	Stephens.
Holder.	Stevenson.
Holland.	Steward.
Holloway.	Strong.
Howsley.	Tarwater.
Hubbard.	Terrell
Hughes.	of Cherokee.
Jackson.	Terrell
Johnson	of Val Verde.
of Dallam.	Towery.
Johnson	Turner.
of Dimmit.	Van Zandt.
Johnson of Morris.	Vaughan.
Jones of Shelby.	Veatch.
Justiss.	Wagstaff.
Kayton.	Walker.
Keller.	Weinert.
Kennedy.	West of Coryell.
Laird.	Wyatt.
Lemens.	Young.

Absent.

Bedford.	Long.
Bond.	McDougald.
Caven.	Mathis.
Coltrin.	Mehl.
Cox of Lamar.	Metcalf.
Cox of Limestone.	Murphy.
Davis.	Nicholson.
DeWolfe.	Ramsey.
Duvall.	Shelton.
Finn.	Sherrill.
Harman.	Sullivan.
Herzik.	Warwick.
Hoskins.	West of Cameron.
Jones of Atascosa.	Westbrook.
Lasseter.	Wiggs.
Lee.	

Absent—Excused.

Engelhard.	Scott.	λ
Morse.		

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 222, to the Committee on Education.

Senate bill No. 98, to the Committee on Revenue and Taxation.

Senate bill No. 261, to the Committee on Criminal Jurisprudence.

ADJOURNMENT.

On motion of Mr. Anderson, the House, at 4 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committee have filed favorable reports on bills as follows:

Judiciary: Senate bill No. 148; House bills Nos. 775 and 590.

Common Carriers: House bill No. 554.

Public Health: House bills Nos. 848, 971 and 717.

Public Lands and Buildings: House bills Nos. 617, 713, 619 and 735.

Judicial Districts: House bills Nos. 827 and 946.

The following committee has filed adverse reports on bills as follows:

Judiciary: House bills Nos. 60, 599 and 806.

REPORTS OF COMMITTEES ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, March 17, 1931.
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred H. B. No. 6, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of annual reg-

istration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners, etc., and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,
Austin, Texas, March 17, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. J. R. No. 26, Proposing an amendment to Article 6 of the Constitution of the State of Texas by adopting a new section, which shall provide that only qualified electors owning taxable property in the State, county, district, political subdivision, city, town or village where the election is held and which has been duly rendered for taxation shall be qualified to vote at elections held for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming debt therein.

Has carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 18, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 703, "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employes for the school year 1930-1931; specifying the rate of interest at not to exceed six (6%) per cent per annum; limiting the amount of warrants to be issued; providing for official notice of the issuance of such warrants and for official notice when said warrants can be cashed; giving such warrants preference over ones issued for purposes other than payment of salaries, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

COX of Lamar, Chairman.

Committee Room,
Austin, Texas, March 18, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 398, "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government named herein, for the balance of the fiscal year ending August 31, 1931; and providing for transfer of certain appropriations heretofore made to the Texas Prison System, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

THIRTY-FIRST DAY.

(Thursday, March 19, 1931.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Davis.
Adams of Harris.	DeWolfe.
Adams of Jasper.	Dodd.
Adamson.	Donnell.
Adkins.	Dowell.
Akin.	Dunlap.
Albritton.	Duvall.
Alsup.	Dwyer.
Anderson.	Elliott.
Baker.	Farmer.
Barron.	Farrar.
Beck.	Ferguson.
Bedford.	Finn.
Bond.	Fisher.
Bounds.	Forbes.
Boyd.	Ford.
Bradley.	Fuchs.
Brice.	Gilbert.
Brooks.	Giles.
Bryant.	Goodman.
Burns of Walker.	Graves.
Burns	Greathouse.
of McCulloch.	Grogan.
Carpenter.	Hanson.
Claunch.	Hardy.
Coltrin.	Harman.
Coombes.	Harrison
Cox of Limestone.	of El Paso.
Cunningham.	Harrison
Dale.	of Waller.
Daniel.	Hatchitt.